

SHADOW REPORT

TO 2012 INITIAL REPORT SUBMITTED BY THE GOVERNMENT OF THE REPUBLIC OF ARMENIA UNDER THE UN CONVENTION OF RIGHTS OF PERSONS WITH DISABILITIES

Submitted by:



Applicant: “National Disability Advocacy Coalition” of DPOs, Armenia.

Address: Koryun 19-a, 0009 Yerevan, Armenia.

Tel: (+37410) 58 91 86;

E-mail: disability.dac@gmail.com;

Website: <http://www.disabilitycoalition.am>.

Report contributor: NDAC Board members.

Partner: Human Rights Defender’s Office

Address: Pushkin st. 56a, Yerevan, 0002, Armenia

Tel: (+37410) 53 75 51

E-mail: t_khachatryan@ombuds.am

Website: <http://www.ombuds.am>

Report contributor: Ms. Tatevik Khachatryan – Leading Specialist of Vulnerable Groups Protection and Cooperation with Non-Governmental Organizations; Defender of the rights of people with disabilities.

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CONTENT

I. INTRODUCTION.....	3
II. ARTICLES 1 AND 2	4
III. ARTICLE 3. GENERAL PRINCIPLES	5
IV. ARTICLE 5. EQUALITY AND ELIMINATION OF DISCRIMINATION.....	7
V. ARTICLE 6. WOMEN WITH DISABILITIES.....	13
VI. ARTICLE 7. CHILDREN WITH DISABILITIES.....	16
VII. ARTICLE 8. AWARENESS RAISING.....	19
VIII. ARTICLE 9. ACCESSIBILITY	20
IX. ARTICLE 11. DANGEROUS SITUATIONS AND EMERGENCY HUMANITARIAN SITUATIONS	22
X. ARTICLE 21. FREEDOM OF SPEECH AND OPINION AND ACCESS TO INFORMATION	23
XI. ARTICLE 24. EDUCATION	24
XII. ARTICLE 25. HEALTH	27
XIII. ARTICLE 26. TREATMENT AND REHABILITATION.....	28
XIV. ARTICLE 28. RELEVANT STANDARDS OF LIFE AND SOCIAL PROTECTION	29
XV. ARTICLE 27. EMPLOYMENT RIGHT	29
XVI. ARTICLE 31. STATISTICS AND DATA COLLECTION.....	30

I. INTRODUCTION

This Shadow Report to the Initial Report (hereinafter the Initial Report) submitted by the Government of the Republic of Armenia (hereinafter RA) in 2012 under the United Nations Organization (hereinafter UN) Convention on the Rights of Persons with Disabilities (hereinafter the Convention) was prepared by non-governmental organizations (hereinafter NGO) of persons with disabilities within the “National Disability Advocacy Coalition” (NDAC) legal entity for protection of Rights of Persons with Disabilities¹ and the Human Rights Defender’s (Ombudsman’s) Office.

This Shadow Report does not cover all issues included in the Initial Report submitted by RA Government. It contains the attitude and considerations of NGOs and persons with disabilities on specific articles of the Convention; however it should not be interpreted in a way that there are no recommendations or comments regarding execution of other articles of the Convention not covered in this Report.

The following DPO members of NDAC participated in preparation of this Report:

1. “Agat” DPO of women with special needs.
2. “World Without Obstacles” DPO to advocate for the rights of people with disabilities.
3. «“Full Life” DPO for empowerment of people with disabilities.
4. “Paros educational and cultural development center of people with disabilities” DPO.
5. “Harmonia” DPO for protection of rights of people with visual impairments.
6. “Bridge of Hope” NGO for protection of the rights of children and youth with disabilities.
7. “Voghji” DPO for support to people with disabilities.
8. “Scarp Health center” DPO for promotion the rights of people with physical disabilities.
9. “Talin Huys” NGO for social support.
10. “Huysi yev Havati Ojakh” DPO for inclusion of children with disabilities.
11. “Shushan” DPO of parents of children with hearing impairments.
12. “Astghavard” DPO of Parents of children with disabilities.
13. “Norastgh” DPO of Parents of children with disabilities.
14. “Hay Mayrer” DPO of parents of children with Cerebral Palsy. .
15. “Debed” DPO for humanitarian assistance to people with disabilities.
16. “Menq Karogh Enk” DPO of youth with intellectual disabilities and their parents.
17. “Lrutyan Dzayn” DPO For promotion the rights of youth with hearing impairments.
18. “Arevi Shogh” DPO for protection the rights of youth with disabilities.
19. “Kantegh Aragatsi” DPO for protection the rights of youth with disabilities
20. “Miasin” DPO for protection the rights of youth with disabilities.
21. “Miasnutyan Arevaham Nektar” DPO for protection the rights of people with disabilities.
22. “Spitak Baze” DPO for protection and advocacy for the rights of people with disabilities.

¹ *In May 2012, coalition of DPOs/NGOs was registered in the Ministry of Justice of Armenia as legal entity named as “National Disability Advocacy Coalition” (NDAC). Currently, NDAC consists of 22 member organizations- 20 DPOs, 1 organization for people with disabilities and 1 organization for social protection of vulnerable people. The governing and decision- and policy-making body of NDAC is the Board, comprised of seven self-representation organizations which serve for a two-year term. The overall goal of NDAC is to protect the social, economic and cultural rights and dignity of PWD and to support them to have opportunities and conditions to claim their rights.*

II. ARTICLES 1 AND 2

1. Article 1 of the Convention stipulates:

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

2. Article 2 of the Convention contains definitions used therein.
3. The Initial Report submitted by RA Government covers a range of legal acts which as per the Government Initial Report are meant to support and protect persons with disabilities. However it should be noted that all definitions in almost all legal acts referred to do not correspond to concepts and definitions² specified in the Convention, and implementation mechanisms of those legal acts are incomplete and insufficient. This in more detail is presented below in commentaries on various rights in the Convention.
4. RA Government Initial Report says³ that the Draft Law “On Protection of the Rights and Social Inclusion of Persons with Disabilities in the Republic of Armenia” was circulated as of 2012. The National Disability Alliance for Protection of Rights of Persons with Disabilities union of legal persons (hereinafter the Alliance) submitted recommendations regarding this Draft most of which were accepted. This Draft as per the Government Initial Report contains all definitions⁴ included in the Convention. However, the timelines for adoption of the Draft are unclear for as of 9 July 2013 this Draft was not posted on the website of RA National Assembly; hence it is not clear when it will be submitted to the National Assembly and when it will be adopted.
5. Simultaneously, it is notable, that as per the National Assembly website data, among pending drafts as of 9 July 2013 is RA Draft Law “On Disability Social Protection State Policy.” However, member-NGOs of the Alliance were not involved in the design of this Draft. On 22 October 2012 the question of including this Draft (N Պ-069-04.09.2012-UՀ-010/0) in the agenda was postponed by about one year. This could mean that the issue of inclusion of the Draft in the agenda probably will be discussed in October 2013 and it is not clear when it will be adopted.⁵
6. Practically, after three years upon ratification of the Convention by the Republic of Armenia country’s legal acts are still not approximated to concepts and definitions of the Convention, and effective legal acts practically restrict and do not ensure rights of persons with disabilities to fully and equally exercise human rights and fundamental freedoms.

² See for instance Government observation that the concept of “a person with disability” under RA Law “On Disability Social Protection” distinctly differs from that under the Convention. RA Government Initial Report, paragraph 21.

³ See RA Government Initial Report, paragraph 15.

⁴ See RA Government Initial Report, parts 32-34.

⁵ See RA National Assembly website: <http://www.parliament.am/drafts.php?sel=introduction&lang=arm>,

7. Recommendations:

- a) Approximate all definitions and concepts in RA legal acts relating to disability to concepts and definitions under the Convention and make sure that there are effective implementation mechanisms for them in practice.
- b) Speed up hearing and adoption of draft bills specified in Government Report by the National Assembly within Government capabilities prescribed in the law (e.g. by adopting a decision about exigency of draft bills) thus facilitating the process of solving disability problems in Armenia.
- c) Initiate practical steps to reinforce cooperation between the Government and disability NGOs.

III. ARTICLE 3. GENERAL PRINCIPLES

8.

The principles of the Convention are specified in Article 3 thereof. The Government Report says that most principles under the Convention are prescribed in RA Constitution and laws. And to make those fundamental principles more complete and clear they were included in RA Draft Law “On Protection of Rights and Social Inclusion of People with Disabilities in the Republic of Armenia.” The Report also says that prevalence of provisions of the Convention is specified under RA Constitution and laws according to which if principles defined by RA laws are not in line with international agreements ratified by the Republic of Armenia then principles under international agreements shall prevail.⁶ Thus the Government affirms that some definitions provided for by the Convention are captured in domestic legal acts in a general sense.⁷

9.

However, the NGOs claim that implementation of those principles currently becomes practically impossible for lack of relevant mechanisms. For example, the process of drafting of the Law “On Elimination of Discrimination” to ensure achievement of the Constitutional principle of eliminating discrimination started only in 2013 and the Draft was not submitted to the National Assembly during preparation of this Alternative Report yet.

10.

RA Law ‘On Ensuring Equal Rights and Equal Opportunities for Women and Men’ entered into effect in June 2013, but it does not provide for guarantees for ensuring equal rights and equal opportunities for women with disabilities and therefore does not stipulate any regulation of relationships occurring in this regard. For example, said law does not include discrimination based on disability, etc. in direct gender discrimination forms.⁸

11.

⁶ See RA Government Initial Report, parts 35-41.

⁷ Ibid, part 37.

⁸ See RA Law “On Ensuring Equal Rights and Equal Opportunities for Women and Men.” Website: <http://www.parliament.am/legislation.php?sel=show&ID=4761>

Regarding the foregoing the main concern of the developers of the Alternative Report is that some of the main definitions in domestic legal acts are either very general, or narrow down the meaning of definitions of the Convention. And implementation mechanisms of those principles are either not defined, or do not contain relevant regulations. Therefore, practically direct implementation of those principles becomes impossible or partial.

12. Recommendations:

- a) Ensure direct inclusion of the main principles defined by the Convention in relevant disability laws and other legal acts;
- b) Ensure effective domestic mechanisms necessary for implementation of the main principles specified in the Convention.

IV. ARTICLE 5. EQUALITY AND ELIMINATION OF DISCRIMINATION

Article 5 of the Convention guarantees equality and elimination of discrimination.

13. Despite that RA Constitution (Article 14.1), as well as a number of other laws and legal acts articulate the principles of elimination of discrimination, including based on disability, and equality of all before the law, in practice people with disabilities are not protected from discrimination efficiently and current RA laws do not provide for effective mechanisms for their implementation.
14. The basic disability law “On Disability Social Protection in the Republic of Armenia” (14.04.1993 ՀՕ-57) regulates the main disability issues as well as includes the principle of elimination of discrimination. However, there is no comprehensive antidiscrimination legislation in the Republic of Armenia. The need for such legislation is also spelled out in recommendations of various international organizations for Armenia, such as the European Neighborhood Policy (ENP) Implementation Report on Armenia as a component of consistent implementation of ENP 2012 Action Plan or **concluding observations adopted by the UN Human Rights Committee for Armenia (105th session, 9-27 July 2012)**.
15. In October of 2012 RA Ombudsman initiated development of antidiscrimination legislation. The Draft Law "On Elimination of Discrimination“ was circulated among all stakeholders in 2013 March including disability right protection organisations for recommendations and considerations. The Draft Law excludes discrimination in all its forms, including based on disability, and Article 6 of the Draft in the spirit of the Convention stipulates that: ‘Discrimination based on disability includes all forms of discrimination, including refusal to provide reasonable adjustments.’ The Draft law also provides for mechanisms for elimination and prevention of discrimination which current legal acts of RA lack. Nevertheless, taking into account lack of support around the draft law, public hearings were suspended and the Draft was presented neither to the Parliament nor to the Government of the RA.
16. **Labor Relations:** Most urgently needing solution remains disability discrimination in labor relations. Clause 1(3) of RA Labor Code stipulates that a Labor Code main principle is equality of parties to labor relations irrespective of consequences not related to professional qualities of the employees, and Clause 1(5) articulates equality of rights and opportunities of the employees. In fact, a person’s disability is not stated as basis for elimination of discrimination or guarantee for equality. Article 7 of the Labor Code claims that it covers labor relations occurring on the territory of the Republic of Armenia, regulates collective and individual labor relations (Article 1), which according to Article 14.1 of the same Code ‘occur between an employee and employer on the basis of a written employment contract concluded in the manner prescribed in the law or by consent of the parties as per an individual legal act containing employment norms.’ This means that provisions on elimination of discrimination and equality cover only established labor relations, and NGO expertise in this area shows that most discrimination cases take place while hiring, when a jobs is rejected based on a person’s disability, particularly visible disability. Thus at this point elimination of discrimination is not regulated by the Labor Code in any way.

17. According to data provided by Unison disability NGO,⁹ only 8-9% of people with disabilities able to work have jobs in Armenia. The US State Department 2012 Report on Practicing Human Rights in Armenia¹⁰ says that unemployment is around 90% among people with disabilities. And as per RA Ministry of Labor and Social Issues Employment State Services Agency (hereinafter State Employment Service) data as of 1 April 2013 there are 1,397 job seeking people with disabilities registered with State Employment Service. These data show a very high level of unemployment among people with disabilities, and the Government is not effective in undertaking necessary measures as per Article 5.4 of the Convention to facilitate employment of people with disabilities.
18. According to Article 7 of RA Law “On Population Employment and Social Protection in Case of Unemployment,” “unemployed are those non-pensioner job seeking individuals who are recorded with State Employment Service for job placement, are willing to work at suitable jobs and are assigned the status of unemployed.” In the result of practical implementation of this norm job seeking persons with disabilities do not get state unemployment benefits on the ground of receiving disability pensions from the Government and are not considered as unemployed. Such an approach in state policy may lead to discrimination based on disability.
19. Refusal of reasonable adjustments, which according to Article 2 of the Convention lead to discrimination, is of systemic nature in Armenia. The US State Department 2012 Report on Practicing Human Rights in Armenia¹¹ confirms that as a rule persons with disabilities are not provided with reasonable accommodations both in employment, education and healthcare, nor accessibility is ensured. At the same time it should be mentioned that inefficient are violation prevention and disciplinary mechanisms which should be under control of Government bodies.
20. **Transportation:** All public transportation means in Yerevan as well as in other administrative regions () of RA remain inaccessible for persons with disabilities, particularly those with motor problems, thus leading to discrimination on disability ground. According to RA Ombudsman’s 2012 Annual Report, certain positive developments are expected in this area. Particularly helpful proved Yerevan City Hall cooperation with Chinese HIGER-BUS plant where the Chinese party proposed to install elevating devices on imported vehicles of said make to increase accessibility of public transportation for all.¹² However, as far as the busses were still in warranty the Chinese Government did not give permission to the Armenian side for installation of the devices on the imported buses. But the warranty period had expired in May 2013 and during preparation of this Report the busses were not adjusted for people with disabilities yet and virtually all transportation means still remain inaccessible for people with disabilities thus violating their right or several rights guaranteed by the Convention every day.
21. **Urban Construction:** The same Annual Report also says¹³ that the problem of accessibility of buildings for low-mobility groups and people with disabilities in urban construction remains ignored. In 2012 official enquiries from the Ombudsman’s Office to relevant state

⁹ See Unison NGO website: <http://unison.am/en/fag>

¹⁰ See the US State Department 2012 Report for Armenia. Website: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dclid=204258>

¹¹ Ibid.

¹² See the Ombudsman’s 2012 Annual Report, website: <http://www.ombuds.am/>

¹³ Ibid.

agencies¹⁴ revealed that Urban Construction State Inspectorate of the Ministry of Urban Construction within as necessary inspections carried out by Urban Construction Departments of Marzpetarans in various communities of Armenia had registered many cases of approved designs by community authorities ignoring the norms of accessible urban construction environment for persons with disabilities. Registered violations mainly resulted in administrative sanctions applied as per RA Code on Administrative Offences but the built and reconstructed buildings remained inaccessible for people with disabilities which makes room for conclusion that the responsible agency does not carry out consistent policy to achieve the set forth goals. Moreover, a current legal act for unobstructed urban environment for low-mobility groups and persons with disabilities is also RA Government 2002 August 29 N 1473-Ն Resolution on architectural assignment procedure, Urban Construction Ministry, however, in response to enquiries under the Ombudsman 2012 Report stated that it does not possess numeric data on buildings adjusted to the needs of low-mobility groups and persons with disabilities. This provides a basis for arguing that the Ministry does not demonstrate due consistency in performing in the manner prescribed in the abovementioned Resolution.

22. **Family Legislation:** Article 116 of RA Family Code specifies the persons who have the right to adoption. According to it persons who do not have (e) the right to adoption are those who cannot execute parental rights for health reasons: RA Government Resolution N 517-Ն defines a range of diseases where disability does not serve as a base per se but in case of listed diseases a person may be assigned a disability group. The list of diseases in said Resolution includes ‘diseases of organ-systems at decompensation stage, with irreversible changes and stable functional disorders.’ Such a provision of the law in practice leads to restriction of the right to adoption of disabled persons with various diseases. This may lead to breach of Article 23 of the Convention, according to which the Government should exercise rights and responsibilities of people with disabilities relating to child adoption procedures.
23. **Children:** Kharberd specialized orphanage for children with severe mental and physical disabilities is gravely overloaded. Though the institution is designed for children under 18 as of 2013 there live about 100 people even up to 35. Upon reaching 18 particularly the children with mental health problems should transfer to Vardenis boarding house. However, in practice this is not possible because the latter is also overloaded and there are no vacant places. New children come but there is no graduation which leads to overloading. The orphanage lacks specialists and nurses, 1 nurse has to take care of up to 15-18 children for 24 hours in shifts, and during dinner time all orphanage staff, but for the director, are put into action to manage to feed all 286 children living in the orphanage.¹⁵
24. On 2 May 2013 RA Ministry of Labor and Social Issues submitted for RA Government approval the Concept of Provision of Alternative Services to Persons with Mental Health Problems with recommendations to improve the sector in 2013-2017, but also at project level yet. Despite the new orphanage building with better conditions used since 2010 the general issue of overloading is not addressed, which impacts negatively on children’s psychology and development restricting individual space of each child.¹⁶

¹⁴ Surveys carried out in 2012, but those are working documents and therefore non-public.

¹⁵ Information provided by RA Ombudsman’s staff.

¹⁶ http://pashtpan.am/library/view_news/article/1035

25. Despite that Article 9 of RA Law 'On Social Protection of Children Without Parental Care' stipulates that children above 18 without parental care shall have living space as per minimum social standards, there are no social guarantees for graduates of the Kharberd orphanage and as it happens they continue to live and be taken care of in the orphanage. Such an attitude may lead to discrimination against children based on disability.
26. **Education:** Article 35 of RA constitution articulates: “Everybody has right to education. Basic general education is mandatory for all in the Republic of Armenia.” RA Law “On Education” says that the Government must provide required conditions for education of citizens with special educational needs given their development specifics and their social adaptation. And in 2005 by adoption of the Law ‘On Eductaion for people with Special Educational Needs’ the concept of “inclusive education” was introduced. By the end of 2012 RA made a transition to universal inclusive education making relevant amendments to current legislation by implementing a three-tier response system to educational needs of children. According to RA Ombudsman’s 2012 Anual Report¹⁷ the 98 mainstream schools currenty operating in Armenia carry out iclusive education embracing aroud 2,390 children with special educational needs. But a part of mainstream schools is not adjusted for people with disabilities.¹⁸ According to data provided by the Ombudsman’s Office staff they continuously receive complaints from all marzes of Armenia and from Yerevan that public mainstream schools are not accessible for children with disabilities yet, in fact inaccessible are not only school entrances, classroom doors and desks, but also the stairs inside schools and there are no elevators. The letters to RA Ombudsman also read that many mainstream schools lack specialized literature for children with special educational needs. Practically experience of disability right protection NGOs shows that because of inaccessibility of schools parents have to transfer the children to school themselves without wheelchairs, and without a wheelchair the child is unable to move around in school. For example, students with motor problems of an inclusive school in Yeghegnadzor were able to participate in school life only with the help of their parents because the school did not have wheelchairs and the building was not fit for dsiability needs. School authorities applied to local government multiple times but the problem was not addressed until in 2013 “Satar” NGO operating in the marz gave a wheelchair to the school.¹⁹
27. Many of complaints to RA Ombudsman pointed out that higher educational institutions also have accessibility problems as well as lack of appropriate specialized literature. This problem was raised in the case of RA citizen Artak Beglaryan who claimed that his rights to non-discrimination and education were violated.²⁰

¹⁷ See Ombudsman’s 2012 Annual Report, website: <http://www.ombuds.am/>

¹⁸ NGOs developing this Report do not maintain statistics on the number of disability-accessible mainstream schools; therefore there are no accurate data on the number of schools adjusted to disability needs.

¹⁹ Website:

<http://www.facebook.com/media/set/?set=a.637019169646433.1073741833.358522134162806&type=1>

²⁰ Artak Beglaryan case summary:

On 26 January 2011 RA citizen Artak Beglaryan applied to RA Ministry of Foreign Affairs (MFA) to enter the diplomatic school. MFA refused to accept the application documents and orally grounded the refusal by the fact of Artak Beglaryan’s blindness and disputable restrictions under RA Government 13/02/2002 N 121 Resolution. Artak Beglaryan applied to RA Administrative Court (Case N ՎԴ/0912/05/11) with a request to annul RA Foreign Minister’s dcision on refusing his application. In Artak Beglaryan’s opinion foreign minister’s refusal of his applicaion based on the fact of his blindness and without legal grounds is directly leading to violation of his right to non discrimination and education. In October 2011 the Administrative Court refused Artak Beglaryan’s appeal. In

28. **In terms of ensuring accessibility for persons with disabilities in justice administration system** it should be mentioned that Point 105 of Government Report reads that educational programs on disability rights are being conducted among workers of the justice system (around up to 40%). However results of evaluation of efficiency of this project are not available publicly so it is not clear whether efficiency evaluation is actually carried out or not, and if yes to what extent those projects are efficient. At the same time accessibility problems in justice administration area are numerous. As of 2012 some 85% of court buildings was reconstructed. Remodeled court buildings materially improved, but unrepaired court buildings, all of which are in the marzes are in a poor condition.²¹ As per the World Bank data, repaired courts, i.e. 85%, are adjusted to needs of people with motor disabilities. However, oral quiz in around 6 repaired first instance courts in Yerevan showed that 2 of the courts are not adjusted to people with motor disabilities, and in the rest of the courts people with motor disabilities can enter the buildings but only attending the sessions in courtrooms on the first floor. Upper-floor courtrooms of surveyed courts are not accessible for persons with disabilities. Unrepaired courts are not disability friendly at all. Simultaneously it should be noted that legal and judicial informational systems are not accessible for blind people or people with poor sight, and therefore familiarization with legal and judicial acts issued by RA courts is challenging for them. Datalex public information booths installed in courts are also not fit for people with disabilities.
29. **Regarding penitentiaries** it should be mentioned that all the guarantees provided to individuals with disabilities at penitentiaries cited in Point 108 of Government Report are stipulated by the draft law; current legislation provides for no norms for them. RA Ombudsman's 2013 Interim Report on "RA Ombudsman as Independent National Prevention Mechanism"²² says that conditions in penitentiaries in Armenia are not fit for people with disabilities restricting their free movement, including going for a walk or to the canteen. Penitentiary bathrooms are not adjusted to their needs, not all the cells have toilets and bathrooms.
30. **Participation in political and social life:** It is noteworthy that the Government undertook some positive actions to make elections accessible for people with disabilities. Particularly, Central Polling Committee is using Brail ballot templates for people with sight problems for already 2 years and CPC official website is more accessible for people with disabilities. However, accessibility issue of polling stations is still unaddressed. According to OSCE Election Observation Mission 2012 May Final Report on parliamentary elections, some 696 polling stations (55 percent) observed were not accessible for persons with disabilities.²³ At the same time OSCE Election Observation Mission 2013 Final Report on presidential

June 2012 the Administrative Appeals Court did not change the Administrative Court decision. On 15 October 2012 the Cassation Court returned Artak Beglaryan's appeal and did not change the Administrative Appeals Court judgement.

²¹ See Court Reform Index for Armenia, 2012, factor 12. Website: http://www.americanbar.org/content/dam/aba/directories/roli/armenia/armenia_jri_vol_iv_english_12_2012.authcheckdam.pdf

²² See RA Ombudsman as Independent National Prevention Mechanism 2013 Interim Report, website: <http://www.ombuds.am/library/library/page/101/type/3>

²³ See Republic of Armenia, page 37
Parliamentary Elections, 6 May 2012 Parliamentary Elections, 6 May 2012, OSCE Elections Observer Mission, Final Report. Website: <http://www.osce.org/hy/odihr/elections/91962>

elections read that some 500 (55 percent) of observed polling stations were not accessible for persons with disabilities and in 219 stations interiors were also not adjusted to their needs.²⁴

31. Apart from this, RA Election Code does not guarantee rights to election for people who are not in hospitals but are not able to go to polling stations due to disabilities. Other countries' practices suggest that the problem can be addressed by movable ballot boxes or, for instance, by applying institutes of electronic voting, power of attorney, or messenger. Such a thing, particularly the movable ballot box, as per Article 54 of Election Code is practiced only for in-house patient voters who are not able to go to polling stations on the election day independently, but does not cover all people unable to go to polling stations, which may lead to discrimination against the latter.

30. Recommendations

a) Efficient elimination of discrimination requires legislative amendments, establishing procedures for application of administrative and/or civil sanctions for discrimination, for instance, in RA Code on Administrative Violations, draft Law "On Rights and Social Inclusion of People with Disabilities in the Republic of Armenia," or in the Labor Code or other laws. For more efficient protection against instances of discrimination it is necessary to adopt a special law regulating the sector which will also articulate mechanisms for applying sanctions against practitioners of discriminative attitudes.

b) To effectively eliminate disability-based discrimination, particularly ensure efficient administration of justice, it is suggested that relevant procedural codes articulate that burden of proof should rest on "respondents" in trials of cases involving direct and indirect discrimination, apart from discrimination allegations in criminal cases.

c) It is recommended to amend RA Labor Code to stipulate a person's disability as base for prohibiting discrimination and include a provision according to which the Code shall also regulate relations prior to de jure established labor relations to the extent that instances of discrimination might occur in the process of hiring.

d) In terms of pensions it is recommended to eliminate restriction that people with disabilities shall not be considered as unemployed and cannot receive unemployment benefits.

e) The Government should be consistent in its policy and reasonably ensure full participation of people with disabilities in all aspects of social life. Particularly, accessibility must be ensured by adjustments and adaptation of public transportation, by necessary amendments to legal acts, and authorized government agencies must ensure that transportation service providers follow those rules. Corrective measures against the violators also must be defined.

f) For accessibility in urban construction RA Ministry of Urban Construction and other authorized agencies in the sector should carry out clear policy to match the new blueprints with accessible environment requirements. As necessary relevant legal amendments should be made to prevent urban construction disregard of the above criteria, as well as disciplinary measures should be undertaken against persons violating those rules.

²⁴ See Republic of Armenia, Presidential Elections, 18 February, 2013, OSCE Elections Observer Mission, Final Report, page 34, website: <http://www.osce.org/hy/odihr/elections/I01982>

- g) To prevent discrimination against people with disabilities during adoption it is necessary to clearly define instances of banning child adoption as well.
- h) The Government should also guarantee unified application of the law for children with disabilities. Particularly, further steps should be undertaken to provide additional social guarantees to graduates of Kharberd specialized orphanage by creating specialized care and residential facilities or alternative care services for them.
- i) In education alongside with physical accessibility of educational establishments, adapted curricula and literature for persons with disabilities should be developed and implemented in line with inclusive model of mainstream education. For visual and hearing impaired students it is recommended to introduce the institute of personal assistant to help such individuals with their problems in educational process.
- j) RA Ministry of Justice is recommended to involve more employees in trainings, as well assess the trainings in terms of efficiency of current programs. Besides, efficiency of such programs can be enhanced by involving disability right protection organisations in preparation and implementation of such programs.
- ja) RA Ministry of Justice is recommended to undertake all necessary actions to adjust penitentiaries to the needs of people with disabilities: to ensure their free moving around, humane attitude towards them and respect for their dignity, provision of unobstructed legal, medical, social-psychological and other necessary assistance.
- jb) Central Election Committee of RA is recommended to carry out necessary steps jointly with local self-government bodies to adapt polling stations to the needs of people with disabilities to allow them exercising their constitutional voting right without obstacles. Also all required legislative improvements should be made to provide voting opportunity to people with disabilities who are not under in-house treatment but cannot get to polling stations physically.

V. ARTICLE 6. WOMEN WITH DISABILITIES

32. Article 6 of the Convention reads that women and girls with disabilities are subject to double discrimination based on their gender and disability; therefore the countries are assuming responsibilities to undertake special measures to guarantee their right to enjoy all human rights and complete freedoms effectively.
33. According to the Government Report as of 1 July 2012 of 182,379 people with disabilities recorded in Armenia 84,981 (46.6%) are women.²⁵ Though Armenia ratified various international agreements on women and gender issues, particularly the UN Convention on Elimination of all Kinds of Discrimination against Women, Beijing Action Plan, Millennium Development Goals, UN Convention on Political Rights of Women, a number of rights guaranteed by these documents practically are not being exercised.
34. “Agath” Center for Women with Special Needs NGO surveyed 30 young women and girls with disabilities in 5 regions of Gyumri and Sirak marz, and the results show that there still is a particularly discriminatory attitude towards women and girls with disabilities in Armenia.

²⁵ See Government Initial Report, paragraph 18.

Surveys demonstrated that women with disabilities are more often subject to physical abuse by their husbands and silently suffer with the belief that it is natural given their physical condition. Particularly, disabled women and girls with mental, psychological or neurotic disorders are subject to sexual abuse and harassment. Some 30% of the surveyed said that very often they were abused by the staff of special institutions and health facilities.²⁶

35. In Against Gender Abuse 2011-2015 Strategic Program women with disabilities are generalized under “other vulnerable groups” category and there are no individual and accessible measures and actions specifically designed for them.
36. Women with disabilities have extremely low participation in country’s social and political life and they are not represented in decision making positions. Due to inaccessibility of buildings of medical care providers and unavailability of services women with disabilities face significant obstacles. They get relevant information on reproductive health, safe maternity, parenting, HIV/AIDS and other topics and medical care only through trainings organized by NGOs. Such trainings are conducted by Agath Center for Women with Special Needs NGO, Women’s Resource Center. These trainings are conducted once a year. NGOs also publish booklets on varied topics.²⁷
37. According to UNICEF research the number of female kids with disability taken to orphanages is relatively bigger than that of male kids. Total ratio of boys and girls with disabilities is 2:1, and in orphanages it becomes almost equal (5.5:4.5). It is also noteworthy than girls living in orphanages are less visited by parents, than boys.²⁸ Some 5% of boys and 7% of girls with disabilities never go out of home or do so only to visit the doctor. At the same time girls with disabilities tend to stay out of school more than boys: the gender difference is more obvious in marzes.²⁹
38. Neither relevant government authorities, nor the public sector maintains appropriate comparative statistics on gender and disability in various sectors, due to which it is difficult to prove unequal treatment of and conditions for women and men with disabilities.

39. Recommendations

- a) Adopt the Law “On Domestic Violence” and include protection of rights and interests of abused women with disabilities in functions of authorities protecting against and preventing from family violence. Ensure participation of representatives of disability and women NGOs in developing its draft.
- b) Complement 2011-2015 Strategic Plan Against Gender Violence with national level research about women with disabilities to obtain statistics in education, healthcare, employment, social and other areas.

²⁶ See Agath Center for Women with Special Needs NGO website: www.agatengo.com

²⁷ For instance, in 2013 Agath Center for Women with Special Needs NGO published a booklet “I Have a Right to Maternity,” for women with disabilities, who have a need for respect, love, integration and information. Women with disabilities can take care of their health, if they have knowledge about their bodies and reproductive health problems.

²⁸ See “It’s About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia” UN Children’s Fund, 2012. The Report was prepared by the UN Children’s Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18. Website: <http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf>

²⁹ Ibid.

- c) Conduct special survey and analyze cases of violence against women with disabilities, particularly elderly, lone and living in rural areas, identify possible causes for violence and develop measures to prevent them. Ensure availability of information and services relating to prevention and elimination of abuse for women with disabilities. Disseminate information in formats understandable for women suffering from mental, psychic and neurotic diseases/disorders, such as Brail alphabet, sign language and simple wording.
- d) Raise awareness about disability, gender equality and equal rights in the society, among the politicians and business sector.
- e) Establish information, advocacy and support services across the country for women with disabilities who were victims of any kind of abuse. Make shelters for abused women accessible for women with disabilities.
- f) Actively involve women with disabilities in programs, policy and protocol development and implementation processes designed for service providers working with women with disabilities, staff of human rights agencies and others.
- g) Implement coordinated regular educational programs for parents and spouses of women and girls with disabilities, nurses working with them and other care related service providers about problems and needs of women with disabilities and their sexual and reproductive health.

VI. ARTICLE 7. CHILDREN WITH DISABILITIES

40. Comments and recommendations relating to execution of rights and freedoms of children with disabilities under the Convention are included in various chapters of this Alternative Report (see particularly commentary on Articles 5, 6 and 24 of the Convention). Below are additional data about execution of rights of children with disabilities under the Convention in Armenia.
41. **Identification of children with disabilities and early intervention:** No real progress is observed here. According to the UN Children's Fund 2012 Report the number of children with disability statements is around 1 percent of total number of children.³⁰ However, the same Report reads that it is likely that there are about 12 thousand children with disabilities, who do not have disability statements for various reasons. Though in 2005 a three-tier child protection system was established in Armenia by EU financing aiming at identification of children in especially difficult circumstances, outside education on national and marz levels this system is not effective in the sense that children's right protection marz departments (currently called family, women and children's rights protection departments) do not identify children with disabilities, organize their recording and referral to appropriate services, but only certify children either educational needs assessed at the medical psychological-pedagogical center or referred to them by other organizations. In the result many children with disabilities, particularly preschoolers, stay outside of state-guaranteed programs and education.
42. **Education:** According to RA Ministry of Labor and Social Issues and UN Children's Fund survey³¹ only 1 of every 3 children with disabilities attends or has attended kindergarten. In rural communities this indicator (23%) is almost twice as lower compared to urban settings (44%). Some 70% of children with disabilities living with families gets secondary education at mainstream schools, 12% attends special schools and 18% does not go to school at all. Some 72% of children with disabilities living in orphanages do not go to school at all. As per the same survey only 5% of children with disabilities living in orphanages attend mainstream secondary schools, and 23% goes to special schools. Noteworthy is that 19% of children not attending schools does so for school conditions, 6% for unfit transportation and/or distance, 34% for health condition and 4% was refused admittance. As the main reason for children not attending school was stated that their parents think that the children cannot study at school. Some 51% of parents of children not attending school thinks so in marzes, 36% in

³⁰ See the State of the World's Children 2013: Children with disabilities, UNICEF. Website: www.unicef.org/sowc2013. See also "It's About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia" UN Children's Fund, 2012. The Report was prepared by the UN Children's Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18. Website: <http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf>

³¹ See the State of the World's Children 2013: Children with disabilities, UNICEF. Website: www.unicef.org/sowc2013. See also "It's About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia" UN Children's Fund, 2012. The Report was prepared by the UN Children's Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18. Website: <http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf>

Yerevan.³² But reasons for this may vary by marzes. Research analysis by Armenian Caritas says that the main inclusive education accessibility obstacle is unfit transportation while travel money provided by the Government is not enough for car rent.³³

43. **Social assistance:** some 4 per 5 children (81%) with disabilities do not get any assistance from relevant departments or services.³⁴ Community Child Development Centers founded by a number of international charity and local organizations (World Vision, Save the Children, Armenian Caritas, Belief NGO, etc.), which identify and provide specialized assistance and services particularly to small children with disabilities, mostly do not get state funding and shut down upon completion of projects, or are on the verge of closing as they lose both invested resources and technical potential and established services provision culture.
44. **Social involvement:** Some 5% of boys and 7% of girls with disabilities never leave home or get out of house to visit the doctor; in fact this is especially true for children with motor disorders, mental or combined disabilities. Children with disabilities are also considerably passive in making friends: some 12% of such children does not have friends.³⁵
45. **Level of awareness of parents of children with disabilities about the rights of their children:** Awareness of laws and international conventions is considerably low among children with disabilities and their parents. According to the UN Children's Fund research, two-thirds of the surveyed never have heard of Children's Rights Convention or Convention on Rights of People with Disabilities.³⁶ Awareness is still lower in marzes. For instance research in the city of Gyumri showed that only 25% of parents of children with disabilities knew the rights of children with disabilities and their rights as parents of children with disabilities. Whereas 60% is not aware of legal acts relating to children with disabilities at all, and 15% knows partially.³⁷
46. **Medical care and services:** problematic is affordability of services under individual rehabilitation programs. UNICEF studies demonstrate that of 4 children with disabilities only

³² Ibid.

³³ Analytical Survey on Discrimination against Children with Disabilities and Parent Awareness, Armenian Caritas , Information and Support Center for Persons with Combined Disabilities, Gyumri, 2013, among 32 parents of children with disabilities. Website:

[http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20\(final\).pdf](http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20(final).pdf), page 7.

³⁴ See "It's About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia" UN Children's Fund, 2012. The Report was prepared by the UN Children's Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18.

³⁵ See "It's About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia" UN Children's Fund, 2012. The Report was prepared by the UN Children's Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18. Website: <http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf>:

³⁶ Ibid.

³⁷ Analytical Survey on Discrimination against Children with Disabilities and Parent Awareness, Armenian Caritas , Information and Support Center for Persons with Combined Disabilities, Gyumri, 2013, among 32 parents of children with disabilities. Website:

[http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20\(final\).pdf](http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20(final).pdf)

1 (23%) gets services through an individual rehabilitation program. Some 32% of families did not pay for medical services, 52% paid for medicine, 28% paid for medical examination, 6% for technical devices and 22% for doctors and nurses. It should be noted that answering the additional question about purchasing medicine 16% of respondents said that medicine is provided for free, 39% said that is using family budget, 11% said that part of medicine is free of charge part is paid from own pocket, and 36% noted that there is no need for special medication.³⁸ For instance, research analysis of Armenian Caritas in Gyumri shows that of surveyed parents of 32 children with disabilities only 22% is aware of the list of free medications, 46% does not know about it at all, and 32% knows partially. Interviewed parents also stated that provision of free medications mostly is delayed or provided at insufficient dosage.³⁹ According to RA Law “On Social Protection of People with Disabilities,” children with disabilities are guaranteed free medication by prescription.⁴⁰ According to RA Law “On Medication” the relevant authorized body shall confirm and publicize the lists of diseases and social groups entitled to free or privileged obtainment of medication.⁴¹ The Government of Armenia shall define the lists of social groups and diseases entitling to free or privileged obtainment of medication.⁴²

47. Recommendations

- a) Consider all recommendations in the UN Children’s Fund It’s About Inclusion: Availability of Educational, Healthcare and Social Protection Services in Armenia 2012 Report (see Annex A).
- b) Disability Conventions and current RA laws are not accessible for people with disabilities or their family members, due to which their requirements are easily overlooked by authorities. It is recommended to educate children with disabilities on their rights through the media or other means accessible for them.
- c) Undertake measures to raise legal awareness of parents of children with disabilities by providing full information about rights and freedoms of their children.

³⁸ See “It’s About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia” UN Children’s Fund, 2012. The Report was prepared by the UN Children’s Fund and RA Ministry of Labor and Social Issues. Survey was carried out among around 5,707 children with disabilities of which 5,322 children living in families and 385 children living in orphanages. Age span - 0-18. Website: <http://www.un.am/res/Library/UNICEF%20Publications/UNICEF%20Disability%20Report%20ARM.pdf>:

³⁹ Analytical Survey on Discrimination against Children with Disabilities and Parent Awareness, Armenian Caritas , Information and Support Center for Persons with Combined Disabilities, Gyumri, 2013, among 32 parents of children with disabilities. Website: [http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20\(final\).pdf](http://www.caritasarm.am/images/stories/downloads/Research%20paper%20Disabled%20children%20(final).pdf)

⁴⁰ See RA Law “On Disability Social Protection,” Article 11.

⁴¹ See RA Law “On Medication,” Article 4.

⁴² See RA Government 23 November 2006 N1717- Ն Resolution on Approving the Lists of Diseases and Social Groups of Population Entitled to Free or Privileged Obtainment of Medication.

- d) Post lists of the social groups and diseases entitling to free or privileged obtainment of medications at medical care and services providing facilities and organizations to raise awareness of people with disabilities and avoid corruption risks.
- e) Introduce and implement inclusive education model also in preschools to increase development opportunities for children and foster employment of their parents.
- f) Provide for certain privileges for parents/guardians of children with disabilities (pension, healthcare, utilities discounts, etc.).

VII. ARTICLE 8. AWARENESS RAISING

- 48. Article 8 of the Convention provides for implementation of urgent, efficient and necessary awareness raising measures by participant countries.
- 49. **Public:** Awareness is guaranteed by the 2003 Law “On Freedom of Information in RA.” However, this law does not define access to information for people with disabilities as per requirements of the Convention; it particularly does not include Brail and sign language translations. Information owning private organizations and state agencies practically do not ensure accessibility and availability of information for people with disabilities. Obstacles also include physical inaccessibility of buildings, lack of sign language interpreters, lack of Brail system or audio information, improper treatment of people with disabilities. Public and Government agencies’ websites are not accessible for blind and visually impaired people and do not contain needed and comprehensible information.
- 50. It should be mentioned that social advertising does not cover disability issues. Only NGOs do so and on a paid basis. No social advertising is carried out by public or private financing to raise awareness on disability problems.
- 51. The Government says in Paragraph 65 of the Report that lessons relating to social problems and basic rights are designed and conducted in high school (10, 11 and 12 grades). However, practically there are no high school (10, 11 and 12 grades) lessons within any subject dedicated to disability problems, disability needs and equal opportunities. This topic is not included in any textbook. Newly published and illustrated textbooks do not show the image of a person with disability as that of an equal member of the society, they are not referred to in pictures or any other design elements. Children’s cartoons and textbooks lack any image of a child or an adult with disability.
- 52. RA Government Report (see paragraph 66) reads that relevant classes on rights and social issues are also conducted at all levels of vocational education. However, it is noteworthy that practically those classes do not focus specifically on problems and rights of people, children or women with disabilities. No curricula provide such knowledge. This can be done only by personal initiative of students or teachers.
- 53. MLSI medical-social expertise and employment agency staffs practically do not meet or carry out awareness work with people with disabilities or their families. Most of them do not know at all what represents an individual rehabilitation program.

54. Awareness Month has been announced since 2008, but at the national level it still remains as merely a National Committee decision and is not implemented by the Committee effectively. Events are carried out mostly by NGO-s and some private sector representatives. Campaigning is not carried out country-wide and properly. The Armenian text of the Convention was printed and distributed by the NGOs. Two versions were published – one simplified for people with learning difficulties and the other with a bigger font for the visually impaired. However, RA Government has failed to ensure accessibility of the audio version of the Convention in Armenian for blind people so far. No action was undertaken in this aspect by Government funding or initiative.
55. Explanatory meetings on provisions of the Convention were carried out by NGO means, who invited RA MLSI staff. Those meetings were scarce and not widespread.
56. NGOs are also active in encouraging measures in disability right awareness. For instance, equal opportunities media contest has been carried out since 2001 by Armenian Bridge of Hope and Danish Mission East organizations with Foreign Ministry of Denmark financing. RA MLSI joined in twice and handed letters of recommendation to media pursuing the idea of equal opportunities.
57. RA MLSI www.mss.am website and www.disabilityarmenia.am website specifically created in 2010 are not updated on a timely basis, do not contain necessary information for people with disabilities, are not interactive and user-friendly.

58. Recommendations:

- a) The Government should carry out urgent, efficient and necessary measures to raise awareness of people with disabilities through both relevant legal reforms and efficient enforcement of legal acts.
- b) The Government should carry out urgent, efficient and necessary measures to raise awareness about problems of people with disabilities in society and family.

VIII. ARTICLE 9. ACCESSIBILITY

59. Upon ratification of the Convention ramps were built in Yerevan exclusively in central part in underground/subway passages and pedestrian crossings without taking into consideration accessibility international standards almost in 90% of cases. Therefore those streets continue to be inaccessible for people with disabilities. Similar ramps were built also in some private buildings and at residential building entrances. To address this issue currently an urban construction committee is being created attached to Yerevan Mayor with also NGO representatives in its composition. The presence of NGO representatives in the committee will facilitate application of a more consistent approach to the abovementioned issue maintaining all international norms. However, this committee is designed only for operation in Yerevan.

- accessibility issue in RA marzes is still unaddressed. Inaccessibility of transportation is still an unsolvable problem even for Yerevan disability population. The issue of parking for drivers with disability is not addressed so far. According to data of Paros NGO joint research with TV channel Mir in 2013 this obstacle is true for all public places in Yerevan irrespective of their location.⁴³ Various actions were undertaken to build an accessible parking lot next to the building of the Opera House, but in vain. The Alliance also submitted an appeal-letter to urban construction department of Yerevan City Hall, but didn't get an answer from 2012 to date.
61. To make TV information programs accessible for the hearing impaired 3 TV companies broadcast major news of the day using creeping line. But other programs do not use sign language or creeping line.
62. Regarding compliance with **Clause 2 of Article 9 of the Convention** it should be noted that public buildings and services, including cultural and historical places, still do not meet minimum accessibility standards. The two movie theatres in Yerevan are inaccessible not only for people with motor disorders but also for the hearing and visually impaired. Inaccessible is also the National Assembly building despite many actions and recommendations by NGOs.
63. Most part of private, public buildings and services, including also leisure and recreation areas both in Yerevan and other RA marzes do not provide physically accessible environment for people with disabilities.
64. Many educational events on physical accessibility issues are continuously being organized for both managers and employees of private agencies, as well as teacher staff of educational institutions by NGO and international organizations support not only in Yerevan but also in other marzes.
65. There are no Brail signs both in public or private buildings across Armenia. Pedestrian crossings in Yerevan and all marzes are marked in a more visible yellow for people with poor sight since 2012. However, for blind people the crossings are completely inaccessible because of lack of audio signals.
66. Intermediary services like escorting or sign language interpreting are not provided by the Government in practice. Sign language interpreters are provided by Armenia State Pedagogical University on a voluntary basis, however the provided interpreters do not know the language enough to do simultaneous translation.
67. Of people with poor sight each year only 10 are being given computers with non-state Sun systems which is only 0,17% of visually impaired population amounting to around 6000 in Armenia.
68. Affordable information and communication technologies and systems at minimum price set by the Government - 85.000 Armenian drams remain inaccessible even if they are strictly

⁴³ Survey results were broadcasted by TV Channel Mir in 2013

necessary, because acquisition price and training fee for the system is at least twice the minimum salary.⁴⁴

69. Recommendations

- a) It is necessary to ensure the right to accessibility for persons with disabilities in all aspects of life and guarantee complete exercise of this right by adopting legal acts providing for accessibility and ensuring their implementation.
- b) It is necessary to ensure accessibility of at least all buildings and constructions belonging to national and local governments, executive, legislative and judicial authorities, and public transportation means for people with various disabilities. Undertake measures to ensure accessibility of other buildings and constructions for people with disabilities in a possibly tight timeframe.
- c) A solution to issue under Sub-clause (a) of Clause 2 of Article 9 relating to inaccessible public buildings will be application of administrative sanctions in case of failure to make any given building accessible in a defined timeframe.

IX. ARTICLE 11. DANGEROUS SITUATIONS AND EMERGENCY HUMANITARIAN SITUATIONS

70. **Situations of risk and humanitarian crisis:** RA Government Report (Paragraph 91) reads that the basis for emergencies regulation legislation is RA Constitution, according to which in case of overthrow of constitutional order in the country, as well as during martial law RA President, in consultation with RA NA Assembly speaker and RA Prime Minister, can declare an emergency situation in the country with the legal regime prescribed in RA Law “On Emergency Legal Regime” adopted in 2012. However, it is worth mentioning that the Law “On Legal Regime of the State of Emergency” does not provide for any norm about people with disabilities.
71. According to RA Government Report (Paragraph 92), RA Government resolutions and relevant legal acts based on RA Law “On Protection of Population in Emergency” stipulate a unified state system for prevention of technogenic and natural disasters, implementation of measures in case of their occurrence. However, it is worth mentioning that this law as well does not provide for any legal regulation relating to people with disabilities and does not prescribe any legal norm to practically protect people with disabilities in emergency situations. There is no reference to people with disabilities also in RA Government 01.01.2005 N 20-85-Ն decree on establishing the list of measures ensuring enforcement of RA laws “On Protection of Population in Emergency,” “On Civil Defense” and “On Rescue Forces and Status of the Rescuer.”
72. RA Government Report says that Clause 2 of Procedure prescribed by RA Government 18 August 2011 N 1180-Ն decree on “Establishing Procedure for Evacuation of Population from Unsafe Areas” is relating to evacuation of people with disabilities. It is necessary to mention

⁴⁴ 2012 minimum monthly salary was 35 000 Armenian drams. RA Law “On Minimum Monthly Wages,” Article 1.

that Clause 2 of said Procedure contains merely the main concepts used therein and does not relate to evacuation of people with disabilities. People with disabilities are referred to only in Sub-clause 5 of Clause 2 of said Procedure when partial evacuation is defined. The Procedure, however, does not refer to specifics of evacuation of people with varied disabilities.

73. Recommendations

- a) Defining procedure for protecting the rights of people with disabilities in state of emergency in RA Law “On Legal Regime of the State of Emergency.”
- b) Defining specifics of protection of people with disabilities in RA Law “On Population Protection in Emergency Situations.”
- c) Including specifics of protection of people with disabilities in implementation of measures listed under RA Government Resolution on establishing the list of measures ensuring enforcement of RA Laws “On Population Protection in Emergency Situations” and “On Civil Defense.”
- d) Defining specifics and procedure for evacuation of people with disabilities by RA Government resolution on “Establishing Procedure of Evacuation of Population from Hazard Areas.”
- e) Prescribing required measures for ensuring evacuation of people with disabilities in RA urban construction legislation.

X. ARTICLE 21. FREEDOM OF SPEECH AND OPINION AND ACCESS TO INFORMATION

74. Part 163 of RA Government Report reads that the concept of free access to information for all citizens of RA including persons with disabilities is articulated also in RA Law “On Freedom of Information.” According to Article 6 of this law “each person has the right to have access to desired information and/or for that purpose request and receive that information from information holder in the manner prescribed in the law.” Article 12 of the same law contains the following provision that “in exercising freedom of information the holder of information must guarantee information access and publicity in the manner prescribed in the law.” It is worth mentioning, however, that RA Law “On Freedom of Information” does not define the Convention requirements for people with disabilities. Practically the right to information of people with disabilities is violated every day.

75. Recommendations

- a) Complement RA Law “On Freedom of Information” with a new norm, according to which people with disabilities across Armenia shall be guaranteed provision of publicly available information on a timely basis and without additional expenses in formats accessible for people with disabilities and technology-specific by types of disability as per the Convention.
- b) Undertake measures to facilitate effective practicing of sign language, Brail system, communication reinforcement and alternative communication means, as well as other

accessible communication means, types and formats preferred by people with disabilities across Armenia.

c) To bind over public services providing organizations and authorities across Armenia by appropriate legal acts to provide information and services to people with disabilities in formats accessible and applicable for them, also through the Internet and guarantee fulfillment of this commitment.

d) To bind over the mass media and information providers through the Internet across Armenia by appropriate legal acts to make their services accessible also for people with disabilities.

XI. ARTICLE 24. EDUCATION

76. **Basic or secondary education:** by the adoption of RA Law “On Organizing Education of Children with Special Educational Needs” in 2005 state-financed inclusive education was launched through bringing out of children with disabilities from special schools and organizing their education at mainstream schools. Upon ratification of the Convention in 2010, with active participation of civil society, RA Ministry of Education and Science undertook to revise RA Law “On Mainstream Education,” with the main purpose to introduce the concept of all inclusion into the system of education. Moreover, the draft was also aiming to prevent creation of a network of separated inclusive schools, which starting as an advance in 2005 was turning to another form of segregation when education of children with disabilities was organized in certain number of schools only and not at the request of parents or in the vicinity of a child’s place of residence as per the requirement of the law.

77. RA Draft Law “On Complements and Amendments to RA Law on Mainstream Education” (Կ-037-17.08.2012-ԳԿ-010/1) is meant also to regulate a number of other problems which are still major obstacles to organization of quality education for children with disabilities. Particularly the Draft articulates the process of children’s needs assessment and identification of special educational needs, which is based on the ideology of the Convention and emphasizes the creation of a relevant environment for education and development of children. The Draft was adopted on 24 October 2012 at first reading but during the preparation of this Report according to information available on the National Assembly website inclusion of the Draft into the four-day sessions agenda was postponed by about a year under a NA resolution on 4 February 2013. Hence, adoption of the Draft may be delayed until February 2014.⁴⁵

78. T
The 2012 UNICEF survey among children with assigned disability groups revealed that 18 percent of children with disabilities remain outside of inclusive education system with most them living either in other marzes outside of Yerevan or in rural areas (children with disabilities outside education in rural areas comprise 23 percent).⁴⁶ More than half of 98

⁴⁵ See RA National Assembly website <http://www.parliament.am/drafts.php?sel=onagenda&lang=arm>

⁴⁶ See “It’s About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia” Report, UN Children’s Fund, 2012.

secondary inclusive education schools in the Republic of Armenia are in Yerevan and only 11 are in rural communities.⁴⁷ Some 61.6% of 2,390 children with special educational needs going to inclusive schools reside in Yerevan. Left out of mainstream education are particularly children with disabilities living in orphanages; of 20 children only 1 goes to a mainstream secondary school, 23 attend special schools, and 72 percent do not go to school at all.⁴⁸ Issues of continuity of education or vocational orientation upon completion of basic school for children with disabilities are not regulated clearly either. By creation of a high-school network only basic education remains mandatory, high schools are not under mandatory education any more. Though the law provides for creation of vocational groups at high schools, such groups are almost not created due to the small number of students. Therefore, the issue of continuity of education of children with disabilities, especially with mental (even mild mental) illnesses remains unaddressed. Statistics in the Government Report comes to prove this: as of July 2012 of 4215 eighteen-year-old children with disabilities only 33 or 0.8 percent obtained higher technical/vocational education, and some 55 or 1.3 percent studied at middle vocational institutions (according to 2011 summary data this statistics is 14.1% and 3.7% respectively). Professional orientation received only 18.8 percent. In fact, both in higher and middle educational institutions most of those children are boys (65.3% and 63.6% respectively).⁴⁹ Inclusive high schools are only 8 in number, of which 6 are in Yerevan; however there is no available public information about the number of children with disabilities and with special educational needs studying there. Generally organization of inclusive education process has materially improved in the last 10 years.⁵⁰ Rich pedagogical expertise is accumulated, general public perception is formed, various didactic materials, video-films, technical literature is created. However key to inclusive education success is proper assessment of children's needs and organization of targeted technical assistance and individual learning process, which is not on due level yet.⁵¹ Educational needs of children are assessed only by the Center for Medical Psycho-Pedagogical Assessment of Children, which has branches only in towns of Kapan and Stepanavan which is not sufficient for organizing long-term assessment of children. NGO experience in this area shows that many schools need regular trainings, exchange of experience of work with children with varied problems and technical assistance, resources of which either are absent or are not used, like the potential available at special schools. Recommended amendments to RA Law "On Mainstream Education" also provide for legal regulation of these problems but it is not clear when this Draft will be adopted. Creation of regional psycho-pedagogical support centers on the basis of special schools, which besides assessment of educational needs of children and provision of technical assistance will also assume organization of teacher trainings and experience exchange, will contribute to

⁴⁷ RA MSE website: www.edu.am

⁴⁸ RA MSE website: www.edu.am : "It's About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia" Report, UN Children's Fund, 2012.

⁴⁹Government Report, Annex, Table 3.

⁵⁰ See Mission East International Organization, Healthy Beginning Project Evaluation Report 2012, UNICEF, Paula Frederica Hunt, 2011, World Vision Armenia, Ingrid Lewis, 2010, 2011, Alison Defranco, 2011.

⁵¹ Along with the reports of the abovementioned international organizations in 2012 within Equal Opportunities for Disabled and Indigent Children and their Parents Project of School Parent Council Members' National Association and Armenian Caritas surveys were carried out in 23 inclusive schools in Yerevan, Shirak and Gegharkunik marzes, which confirmed existing problems.

enhancement of quality of education for children with disabilities and with special educational needs significantly. Though the law stipulates provision of information about special skill trainings for children and youth with disabilities and their organization, those services practically are not so active or almost are not provided, because even the Government report says that trainings using the Brail system or accompanied by sign language interpretation were organized for one person with disability and only 9 children respectively.⁵²

79. **Preschool phase:** Currently very few public kindergartens are ready to admit children with disabilities, the main reason of which is lack of specialists (they do not have appropriate financing for hiring specialists), kindergarten buildings are not fit for children with disabilities, and employees are not trained on specifics of work with children with disabilities. If school teachers are being trained on disability inclusion and rights, such state programs are not implemented in preschool education. Even under Component 1.1 of the WB sponsored Quality of Education and Compliance second loan project: “Increasing preparedness of children for school and ensuring equal start-up opportunities” by alternative preschool creation projects, newly built primary schools⁵³ is not adapted for children with disabilities and those topics are not included in specialist trainings. In the result only 35 percent of children with disabilities attend kindergartens, whilst in rural areas this indicator is still lower – 23 percent. In fact, probability of male kids with disabilities attending kindergarten is higher both in Yerevan and marz towns with 50% against 44% in Yerevan and 43% and 37% in the marzes.⁵⁴

80. **Recommendations:**

- a) Undertake urgent measures to demonstrate the importance of adoption of Draft RA Law “On Amendments and Additions to RA Law on Mainstream Education” and facilitate its adoption by the National Assembly. Ensure implementation of “all inclusion” modus operandi across mainstream education. Guarantee children’s educational need assessment by the bio-social-psychological model with application of International Classification of Functions. Ensure adoption and enforcement of relevant legal acts.
- b) Maintain the potential of Children’s Development Centers established by various international and local NGOs and develop early intervention services for children with disabilities. Create Children’s Development Centers/Rehabilitation Services at least in all the cities or marz centers which will facilitate early development of children with disabilities and rapid inclusion.
- c) Expand the network of inclusive kindergartens, particularly in the marzes.
- d) Organize trainings for preschool educators on disability issues.
- e) Organize awareness raising events relating to disability, TV programs, especially featuring success stories, foster gender equality among children with disabilities.

⁵²See RA Government Initial Report, Annex, Table 3.

⁵³ Website: http://www.cfep.am/news_preschool

⁵⁴ “It’s About Inclusion: Accessibility of Educational, Health and Social Protection Services for Children with Disabilities in Armenia” UN Children’s Fund, 2012.

f) Ensure opportunities for smooth post-secondary education for children with disabilities through targeted educational programs. Ensure vocational orientation and preparation of youth with disabilities.

XII. ARTICLE 25. HEALTH

81. In most part persons with disabilities are unaware of key national healthcare policies and strategic programs in regard to disability. Sociological survey carried out by Full Life NGO in 2012⁵⁵ showed that 48% of the 526 interviewees with disabilities was not aware of national policy programs relating to them, their rights and privileges at all, 39% was partially informed and only 11% was well familiar with them. Free medical care and services are provided within targeted national healthcare programs (state basic benefit package) guaranteed by the Government. In practice, very often state basic benefit package reaches its limits by April so that people with disabilities cannot get free medical care even if they apply for it. Insufficient awareness and sometimes lack of it also leads to a situation where many people cannot use free medical care promised by the Government under targeted healthcare programs. Thus, according to Economic Development and Research Center and Oxfam Armenia study of state policy in healthcare, 34 percent of representatives of individual (special) social groups of population, mostly including people with 2 and 3 group disabilities, do not have access to state basic benefit package and service due to lack of awareness, some obstacles, including also deception.⁵⁶
82. Most buildings of medical care and services providing organizations, particularly in the marzes, are not fit for motor disabilities from just urban construction viewpoint.
83. Though health legislation and adopted policy provide for non discriminative attitude towards people with disabilities, no legal act contains a definition of what is discrimination and what are its instances. However, given unequal conditions, abundance of problems, there is no specific support policy and/or tools to promote services accessibility/availability generally and reproductive health and HIV/AIDS prevention particularly, for instance informative materials using Brail, sign language and other reasonable ways.
84. People with disabilities enjoy the right to have access to privileged and free medications.⁵⁷ However, practically there have been a lot of cases of abuse of this right. RA Healthcare

⁵⁵ Full Life NGO, sociological survey, 2012. Survey was carried out within EU sponsored Everything for Us, Everything with Us Project, among 526 persons with disabilities in 19 cities of Lori, Shirak, Gegharkunik and Aragatsotn marzes.

⁵⁶ See Evaluation of Social Impact of Co-payment system, Public Health Policy Evaluation Project, 2013, April. The survey was carried out by Economic development and Research Centre non-for-profit organisation within Public Health Policy Evaluation Project carried out with support of British Oxfam International Organisation Armenian branch. Website: http://mchealth.am/wp-content/uploads/2013/06/Policy-Paper_Eng.pdf

⁵⁷ According to Paragraph 2 of Article 11 of Armenian Law “On Disability Social Protection,” 1 and 2 disability group persons and children with disabilities receive free medications by prescriptions, whereas disability 3 group at 50% discount, if they do not use their right to medication on more privileged conditions. Besides, RA Government 23 November 2006 N 1717-Ն clarifies the lists of diseases and social groups entitled to free or privileged obtainment of medications.

Ministry section of RA Ombudsman's 2012 report witnesses about a number of complaints relating to non- or insufficient provision of free or privileged medication.⁵⁸ This speaks of Healthcare Ministry inconsistency and in many cases lack of corruption prevention activities in this area.

85. Recommendations:

- a) Improve targeted Government healthcare programs increasing their accessibility for everybody in practice, particularly for people with disabilities, flexibility and aptitude to replace exhausted funds with savings from other areas.
- b) Complement the list of licensing mandatory terms and requirements in the manner prescribed in the law for medical care and services provision sole proprietors and organizations with the requirement of accessibility of buildings.
- c) Expand and increase efficiency of awareness tools relating to free healthcare services. Establish intra-ministerial hotlines of rapid response by each component.
- d) Ensure practical exercise of right to free or privileged medication for people with disabilities without any discrimination or abuse.

XIII. ARTICLE 26. TREATMENT AND REHABILITATION

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Individual development/rehabilitation programs are of formal nature, inadequately filed, without participation of people with disabilities in the process. A proof of this is the sociological survey by Full Life NGO in 2012⁵⁹, where people with disabilities witnessed that medical-social expertise is in fact nothing but permission for pensions or wheelchairs in some cases. It does not tackle issues of socialization of individuals, education or employment scopes.

87. An individual rehabilitation/development program includes provision of relevant rehabilitation services, prosthetic-orthopedic devices, rehabilitation support and technical means, equipments. People with disabilities have to acquire these devices only from companies manufacturing prosthetic devices located in Kanaker-Zeytun district of Yerevan. People with disabilities from marzes face difficulties in accessing necessary services.
88. Due attention is not paid to prevention and early determination of causes for disabilities, especially in the marzes.
89. International cooperation is weak on technological level.

90. Recommendations:

- a) Improve the current disability recognition mechanism and individual rehabilitation programs. More actively involve persons with disabilities in disability recognition.

⁵⁸ See Ombudsman's 2012 Annual Report. Website: <http://www.ombuds.am/>

⁵⁹ Full Life NGO, sociological survey, 2012. The survey was carried out within EU sponsored Everything for Us, Everything with Us Project, among 526 persons with disabilities in 19 cities of Lori, Shirak, Gegharkunik and Aragatsotn marzes.

- b) Increase comprehensiveness of rehabilitation services, provision of prosthetic-orthopedic devices, rehabilitation support and technical means and equipments make available also locally.
- c) Undertake measures for early determination and prevention of causes of disabilities as well as enhance implementation of high technology in rehabilitation of persons with disabilities.

XIV. ARTICLE 28. RELEVANT STANDARDS OF LIFE AND SOCIAL PROTECTION

91. Commentaries on Article 28 of Government Report read that Government admits the right of people with disabilities to relevant level of life and social protection. When talking about minimum consumer basket estimated by various methodologies, however, no reference is made to disability benefits meant to cover additional expenses caused by disability and ensure relevant life quality. In fact it could be by mitigation of obstacles to participation in public life (for instance, alternative transportation like taxi or personal transportation because of inaccessibility of public transportation). However, Initial Government Report speaks of family benefit system stating that family poverty score goes up in case of disability in family, thus admitting the possible link between disability and poverty.
92. It should be noted that Government failed to undertake adequate measures to increase accessibility of social protection programs to women, girls as well as adults (elderly). At the same time still problematic is accessible housing for people with disabilities.

93. Recommendations:

- a) Provide disability benefits and/or other social protection support given disability social involvement and increased expenses due to disability.
- b) Tailor Social protection programs for women, girls and seniors with disabilities to their specific needs.

XV. ARTICLE 27. EMPLOYMENT RIGHT

94. Employment is vital for people with disabilities as a possibility of self-expression and economic independence. According RA Law “On Employment of Population and Social Protection in Case of Unemployment” the unemployed are defined as capable of work and able-bodied job-seeking persons of active age who are not assigned pensions prescribed in RA legislation, are registered with state employment services for job placement, are willing

to take up suitable jobs and are assigned the status of unemployed. A person with disability as per current law may not be considered as unemployed as he/she is getting disability pension.

95. Currently Government is carrying out projects⁶⁰ to enhance competitiveness of people with disabilities in job markets, support such job-seekers and their job placement. However, according to NGO information employers often avoid hiring them.
96. According to State Employment Services Agency “Job”⁶¹ program in period 2012 January 1 to 2013 January 1 of some 2,484 participants involved in vocational training programs 117 are people with disabilities. Of 683 participants involved in salary compensation plans for 2012 January 1 to 2013 January 1 disabled are 215.
97. Of 186 participants in projects for entrepreneurs for 2012 January 1 to 2013 January 1 some 11 are people with disabilities. Of 526 participants in internship projects for people with vocational education lacking work experience for 2012 January 1 to 2013 January 1 some 16 are people with disabilities.⁶²
98. NGO experience shows that employers who have hired people with disabilities under salary compensation plans mostly tend to fire them upon expiry of contract and sign employment contracts with other persons with disabilities.
99. Money for entrepreneurial activity, e.g. 11,000 Armenian drams for registration as sole proprietors cannot be considered as support for people with disabilities.
100. The already complicated issue of provision of jobs for young people with disabilities is becoming more complicated for one reason - most of them do not have vocational education or are not re-trained: For instance, within 2011 state programs 11 job seeking unemployed people with disabilities were placed with various employers. It should be noted, however, that only 2 of those 11 persons with disabilities were young.⁶³

101. **Recommendations:**

- a) State employment programs should involve not only unemployed people with disabilities, but also the employed.
- b) Government is recommended to implement means of encouragement for those employers who have disabled employees. Ensure protection of rights of people with disabilities in labor relations.
- c) Increase amounts of money for entrepreneurial activity to people with disabilities to include other expenses relating to such activity conditioned by disability.

XVI. ARTICLE 31. STATISTICS AND DATA COLLECTION

⁶⁰ See www.employment.am

⁶¹ See State Employment Services agency, Gorts, website: www.employment.am

⁶² See State Employment Services agency, Gorts, website: www.employment.am

⁶³ See Millennium Development Goals Acceleration Framework, Youth Employment in Armenia Report, Yerevan, 2012, website: <http://www.vet.am/res/Publications/Other/MDG%20MAF%20Reprt-ARM.pdf>

102. Statistics on people with disabilities is very limited. Data periodically released by RA National Statistic Service (hereinafter RA NSS) include only the total number of people with disabilities by gender and urban/rural distinction. Age distribution is in terms of under 18, 18-40, 40-63 and over 63 age groups,⁶⁴ which does not give an idea about the number of preschoolers with disabilities, distribution of children with disabilities by mainstream education levels and age distribution of youth – 18-25, 25-35.
103. RA STS periodicals⁶⁵ do not publish information about inclusive schools and kindergartens, there is no information about children with disabilities at kindergartens and schools, as well as middle vocational and higher educational institutions. Annual statistics in RA Ministry of Education and Science (hereinafter MES) or National Center for Educational Technologies www.amedu.am websites lacks information about children with disabilities.
104. It's common practice for various states to apply the 6 internationally approved disability level identification questions (Washington Group Disability Questions) during census, which gives an opportunity to reveal the real number of people with disabilities in a country by residency and gender and age. However, during 2011 census carried out by RA STS there were no questions relating to disability in the questionnaires and no such questions were asked to the interviewees.⁶⁶
105. RA Government does not maintain distinct statistics of children with disabilities attending musical, painting, art, sport and cultural schools and educational facilities.
106. Statistical and sociological surveys on disability problems are organized very rarely and only by financing of international organizations within specific projects.
107. The www.disabilityarmenia.am web site maintained by RA Ministry of labor and Social Issues and assumingly containing comprehensive information on disability provides very scarce data on number and gender and age distribution of people with disabilities. There is neither reference to state statistical sources nor surveys carried out in the country, though scarcely.
108. Obviously it is impossible to design targeted policy and monitor the process and developments of participation of persons with disabilities in social life without relevant statistics.
109. **Recommendations:**
- a) Ensure availability of comprehensive and diversified data on persons with disabilities by RA STS while collecting, aggregating and publishing statistical data.
 - b) Include disability level identification questions in the 2021 census.
 - c) Complement the www.disabilityarmenia.am website with statistical data on people with disabilities by various age groups and residency regarding their education,

⁶⁴ See Government Initial report, Table 1, Number of Persons with Disabilities:

⁶⁵ Social Situation in Armenia, RA Social-Economic Situation, Statistic Yearbook of Armenia, website: www.armstat.am

⁶⁶ See www.armstat.am

employment history and standards of living by gender, main age groups, marzes and urban/rural distinction.

d) For due monitoring of compliance with requirements of the Convention it is also advisable to maintain statistics on accessibility of transportation means, cultural facilities, educational institutions, sport facilities and opportunities for people with disabilities to access such places by gender, main age groups, marzes and urban/rural distinction.